



**US Army Corps
of Engineers**

Omaha District

PUBLIC NOTICE

Application No: 2004-10624

Applicant: U.S. Army Corps of Engineers, Omaha District

Waterway: Missouri River (Glover's Point)

Issue Date: October 18, 2004

Expiration Date: November 8, 2004

21 DAY NOTICE

Reply To:

NEBRASKA REGULATORY OFFICE – WEHRSPANN

8901 SOUTH 154TH STREET, SUITE 1, OMAHA, NEBRASKA 68138-3621

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344) .

APPLICANT: Ms. Lauren Deane, U.S. Army Corps of Engineers, 106 South 15th Street, Omaha, Nebraska 68102.

PROJECT LOCATION: The project is located along the right bank of the Missouri River between river miles 711-713. The project is located in Sections 7, 17, 20, Township 26 North, Range 10 East, Thurston County, Nebraska.

PROJECT DESCRIPTION: The project consists of constructing a 10,900 foot long pilot channel along the approximate historical flow path of a remnant chute with a 30 acre backwater connected to the chute. 158,000 cubic yards of material will be excavated using a backhoe and spoiled adjacent to the excavated pilot channel. The pilot channel is anticipated to erode to 200 feet wide and eroding the spoiled material from the excavation of the pilot channel. 327,000 cubic yards of material will be hydrological dredged from the backwater and discharged back into the Missouri River. Riprap will be placed at the inlet and outlet of the proposed chute for bank protection and to control flows. Seven (7x7) box culverts with a concrete headwall would be placed in the remnant chute to support the reconstructed service road that crosses the proposed chute.

PROJECT PURPOSE: The purpose of the proposed mitigation project is to restore large river aquatic and terrestrial habitat along the Missouri River that has been eliminated by the Missouri River Bank Stabilization and Navigation Project (BSNP). Historically the Missouri River was nearly 3,000ft wide and consisted of a main channel, smaller side channels, sandbars, and backwater areas. This habitat was very important to migratory waterfowl and shore birds, and provided spawning, rearing, and feeding habitat for native riverine fish. The dynamic nature of the alluvial processes prior to stabilization maintained these values and provided an excellent interface between the river and terrestrial habitat. Construction of dikes and revetments as part of the BSNP stopped the natural alluvial processes associated with meandering. The current tip

width of the river is less than one-third of the historic width, which has caused an increase in both the mean depth and velocity in the channel.

SPECIAL AQUATIC SITES: 158,000 cubic yards of material will be discharged into adjacent wetlands of the pilot channel. 327,000 cubic yards will be dredged and discharged back into the river.

CULTURAL RESOURCES: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and its current supplements and no property listed or proposed for listing in the Register is located in the project area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and may require a reconnaissance survey of the project area to check for unknown historic or prehistoric properties, if warranted.

ENDANGERED SPECIES: Pursuant to the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the EPA Region VII in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the EPA Regions VII opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision whether to issue the Corps' permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed/completed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against their reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the

needs and welfare of the people. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and Local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the Nebraska Regulatory Office – Wehrspann, 8901 South 154th Street, Suite 1, Omaha, NE 68138-3621. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commentors, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in the subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by writing to Matt Wray at the address shown on page one or by calling him at (402) 896-0896. You can also e-mail him at matt.t.wray@usace.army.mil.

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page one.

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